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**State Bar Court of California  
Hearing Department  
Los Angeles  
STAYED SUSPENSION**

**ORIGINAL**

<p>Counsel For The State Bar</p> <p><b>Desiree Fairly</b> Deputy Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017 (213) 765-1038</p> <p>Bar # 307991</p>	<p>Case Number(s): <b>17-O-01390</b></p> <p><b>PUBLIC MATTER</b></p>	<p>For Court use only</p> <p><b>FILED</b> E.A. <b>MAR 19 2018</b> STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p><b>David Thomson Egli</b> 6560 Van Buren Blvd Suite C Riverside CA, 92503-1542 (951) 373-4381</p> <p>Bar # 93776</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: <b>DAVID THOMSON EGLI</b></p> <p>Bar # 93776</p> <p>A Member of the State Bar of California (Respondent)</p>		

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted **December 16, 1980**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **13** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

**B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline**
- (a)  State Bar Court case # of prior case **99-O-11763**
  - (b)  Date prior discipline effective **October 13, 2000**
  - (c)  Rules of Professional Conduct/ State Bar Act violations: **Rule 3-110. See page 10.**
  - (d)  Degree of prior discipline **private reproof**
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2)  **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3)  **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4)  **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5)  **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6)  **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property..

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- (8)  **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10)  **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11)  **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing.
- (12)  **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13)  **Restitution:** Respondent failed to make restitution.
- (14)  **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15)  **No aggravating circumstances** are involved.

**Additional aggravating circumstances none.**

**C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.**

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur.
- (2)  **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

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- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances**

Pretrial Stipulation, see page 10.

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of **one year**.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

The above-referenced suspension is stayed.

- (2)  **Probation:**

Respondent is placed on probation for a period of **one year**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

**E. Additional Conditions of Probation:**

- (1)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (3)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the

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probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

- (4)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (5)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (6)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" type="checkbox"/> Financial Conditions  |

#### F. Other Conditions Negotiated by the Parties:

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason: .
- (2)  **Other Conditions:**



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- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**c. Client Funds Certificate**

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- a. Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";
  - b. Respondent has kept and maintained the following:
    - i. A written ledger for each client on whose behalf funds are held that sets forth:
      - 1. the name of such client;
      - 2. the date, amount and source of all funds received on behalf of such client;
      - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
      - 4. the current balance for such client.
    - ii. a written journal for each client trust fund account that sets forth:
      - 1. the name of such account;
      - 2. the date, amount and client affected by each debit and credit; and,
      - 3. the current balance in such account.
    - iii. all bank statements and cancelled checks for each client trust account; and,
    - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
  - c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
    - i. each item of security and property held;
    - ii. the person on whose behalf the security or property is held;
    - iii. the date of receipt of the security or property;
    - iv. the date of distribution of the security or property; and,
    - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

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**d. Client Trust Accounting School**

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:                      DAVID THOMSON EGLI

CASE NUMBER(S):                      17-O-01390

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 17-O-01390 (Complainant: Gilana Turnbull)

**FACTS:**

1. On February 16, 2015, Gilana Turnbull (“Mrs. Turnbull”) entered into an agreement with respondent for legal services and paid respondent \$500 for said services. The agreement was never put into writing.
2. Pursuant to the oral agreement for legal services, respondent agreed to represent Mrs. Turnbull against Nationstar Mortgage Holdings (hereinafter “Nationstar”). Although Mrs. Turnbull’s home was in her name and the name of her recently deceased husband, Mrs. Turnbull’s name was not on the mortgage documentation. As a result, Nationstar refused to prepare tax documents in Mrs. Turnbull’s name for the interest she paid on the residence.
3. Pursuant to a separate agreement for services, respondent also prepared Mrs. Turnbull’s taxes for tax years 2014 and 2015.
4. In order to prepare for representation against Nationstar, respondent received and reviewed Mrs. Turnbull’s client file from her previous attorney. Respondent prepared a letter to Nationstar demanding that it report the mortgage interest as paid by Mrs. Turnbull. Respondent never received a response from Nationstar and the company did not change its tax reporting practices nor add Mrs. Turnbull’s name to the mortgage documentation.
5. On May 11, 2016, respondent received a text message from Mrs. Turnbull alerting respondent that Mrs. Turnbull was planning to return to her prior attorney to handle the action against Nationstar.
6. On May 14, 2016, Mrs. Turnbull went to respondent’s office to pick up her client files. Although she received files related to her taxes, she did not receive her file related to the Nationstar matter. On May 14, 2016, respondent told Mrs. Turnbull in person that he could no longer work on her case due to health problems.
7. After May 14, 2016, Mrs. Turnbull received legal assistance on the Nationstar matter from her prior attorney. Respondent never provided Mrs. Turnbull with an accounting regarding the \$500 that Mrs. Turnbull paid in legal fees.

8. On November 9, 2016, respondent received a text message from Mrs. Turnbull requesting her file from the work respondent did on the Nationstar matter. On November 13, 2016, Mrs. Turnbull again sent a text message requesting to pick-up her file from respondent's office. Respondent replied via text message that he did not locate a file and that he believed that he had already given her a copy of the file. Mrs. Turnbull's reply text message clarified that respondent had returned her files related to her tax returns, but not the file related to the Nationstar matter.
9. Respondent did not reply to Mrs. Turnbull's November 13, 2016 text message requesting her client file. Mrs. Turnbull again sent a text message to respondent asking for updates on the missing file on November 17, 2016, November 18, 2016, and November 23, 2016. Respondent received all three text messages, but did not respond. Mrs. Turnbull sent a final text message to respondent requesting her file on January 11, 2017, which respondent received and failed to answer.
10. Respondent never returned the client file to Mrs. Turnbull.

#### CONCLUSIONS OF LAW:

11. By failing to provide an accounting of \$500 in advance legal fees to Mrs. Turnbull following the termination of respondent's employment on May 14, 2016, respondent failed to render appropriate accounts to a client regarding all funds coming into respondent's possession in willful violation of rule 4-100(B)(3) of the Rules of Professional Conduct.
12. By failing to return Mrs. Turnbull's client file related to representation against Nationstar after multiple requests for the file between November 9, 2016 and January 11, 2017, respondent failed to promptly release all of a client's papers and property following the client's request, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

#### ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES

**Prior Record of Discipline (Std. 1.5(a)):** Effective October 12, 2000, respondent was privately reprimanded in case no. 99-O-11763 for failure to perform in violation of Rules of Professional Conduct, rule 3-110(A). In that case, between September 1996 and September 1999 respondent represented a client in an estate matter. Respondent filed various documents regarding the probate of his client's estate, but then failed to prepare and file an order approving a final account and final distribution. There were no aggravating circumstances. In mitigation, respondent had no prior record and displayed candor and cooperation to the victims and to the State Bar. He was required to pay restitution in the amount of \$523.40. Attached as Exhibit 1 is a true and correct copy of the prior record of discipline.

#### ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES

**Pretrial stipulation:** Respondent entered into a stipulation with the Office of Chief Trial Counsel prior to trial in the above referenced disciplinary matter, thereby saving the State Bar Court time and resources. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

## AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct “set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances.” (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to standards are to this source.) The standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Standard 1.7(a) holds that where a member commits two or more acts of misconduct and the Standards specify different sanctions, the most severe sanction must be imposed. Here, Standard 2.2(b) is the most severe applicable standard and presumes suspension or revocation for a violation of Rule 4-100. Furthermore, Standard 1.8(a) calls for progressive discipline if respondent has a single prior record of discipline unless the prior misconduct “was so remote in time and the previous misconduct was not serious enough that imposing greater discipline would be manifestly unjust.” Progressive discipline under Standard 1.8(a) is not applicable in this case because respondent’s prior failure to perform occurred 16 years prior to the current misconduct and was minimal in nature. (See *Matter of Hanson* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 703, 712 [declining to impose progressive discipline where prior misconduct occurred 17 years before and the prior misconduct, including failure to perform services competently, failure to communicate and failure to release a client’s file, was “minimal in nature”].) Although progressive discipline is not warranted under Standard 1.8(a), respondent’s prior discipline is nonetheless an aggravating factor. (Standard 1.5(a); see *Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 618 [a prior record of discipline is a proper factor in aggravation, regardless of when the discipline was imposed].)

Respondent violated Rules of Professional Conduct, rule 4-100(B)(3) by failing to provide Mrs. Turnbull an accounting following termination of employment and rule 3-700(D)(1) by failing to release Mrs. Turnbull’s client file following a request for the file. Respondent’s misconduct, coupled with aggravation for prior discipline and lack of mitigation, warrants a one-year stayed suspension.

In the *Matter of Cacioppo*, (Review Dept. 1992), 2 Cal. State Bar Ct. Rptr. 128, 135 [herein "*Cacippoo*"] is akin to the present misconduct. In that case, the court imposed a six-month stayed suspension for an attorney's culpability on one count each of failure to render an accounting and failure to communicate. In aggravation, the attorney had a prior record of discipline resulting in a public reproof less than five years prior to the subject misconduct. In mitigation, he demonstrated exceptionally good character, as evidenced by letters from community members including a priest, a state senator, and a number of judges. Significantly, the court noted that a public reproof would ordinarily have been in order for the attorney, with 17 years of practice and exceptional character evidence, but that former Standard 1.7(a) (current Standard 1.8(a)) called for progressive discipline greater than his prior public reproof. Due to the prior record, the court imposed a stayed suspension.

In this case, respondent, whose violations are similar in gravity to Cacioppo's misconduct, would fall within the *Cacioppo* dicta calling for light discipline, but for the aggravating factor of his prior misconduct. Similar to *Cacioppo*, respondent's prior record from 2000 is an aggravating factor and warrants discipline beyond a reproof. Further, respondent lacks mitigation for good character present in *Cacioppo* and therefore a modestly increased period of stayed suspension is appropriate.

A stayed suspension of one year is within the range of discipline indicated in Standard 2.2(b) and in accordance with case law.

#### **PENDING PROCEEDINGS**

The disclosure date referred to, on page 2, paragraph A(7), was February 20, 2018.

#### **COSTS OF DISCIPLINARY PROCEEDINGS**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 24, 2017, the prosecution costs in this matter are \$ 3,758. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the costs of further proceedings.

#### **EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT**

Respondent may not receive MCLE credit for completion of State Bar Ethics School or State Bar Client Trust Accounting School (Rules Proc. of State Bar, rule 3201.)

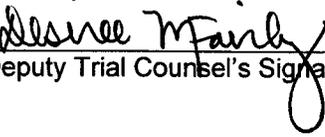
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In the Matter of: <b>DAVID THOMSON EGLI</b>	Case number(s): <b>17-O-01390</b>
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**SIGNATURE OF THE PARTIES**

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

2/20/2018            David Thomson Egli  
Date                      Respondent's Signature                      Print Name

2/20/2018            Desiree Fairly  
Date                      Deputy Trial Counsel's Signature                      Print Name

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In the Matter of:  
DAVID THOMSON EGLI

Case Number(s):  
17-O-01390

### STAYED SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

3/19/18

Date



DONALD F. MILES  
Judge of the State Bar Court

Bar Court of the State Bar of C  
Hearing Department  Los Angeles  San Francisco

<b>Counsel for the State Bar</b> THE STATE BAR OF CALIFORNIA OFFICE OF THE CHIEF TRIAL COUNSEL RICHARD A. PLATEL, No. 163455 1149 SOUTH HILL STREET LOS ANGELES, CA 90015-2299	<b>Case number(s)</b> 99-0-11763  <b>NOT FOR PUBLICATION</b>	(for Court's use)  <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">SEP 05 2000</div> <div style="text-align: center;">STATE BAR COURT CLERKS OFFICE LOS ANGELES</div>
<b>Counsel for Respondent</b> DAVID T. EGLI, In Pro Per	Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</b>  <b>REPROVAL</b> <input checked="" type="checkbox"/> <b>PRIVATE</b> <input type="checkbox"/> <b>PUBLIC</b>  <input type="checkbox"/> <b>PREVIOUS STIPULATION REJECTED</b>	
<b>In the Matter of</b> DAVID T. EGLI  Bar # 93776 A Member of the State Bar of California (Respondent)		

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted December 16, 1980  
(date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation, and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consist of 9 pages.
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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
  - costs added to membership fee for calendar year following effective date of discipline (public reproval)
  - case ineligible for costs (private reproval)
  - costs to be paid in equal amounts for the following membership years:  


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(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
    - costs waived in part as set forth under "Partial Waiver of Costs"
    - costs entirely waived

**Note:** All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

(d) The parties understand . . . :

- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquires and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
- (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
- (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

(1)  Prior record of discipline [see standard 1.2(f)]

(a)  State Bar Court case # of prior case \_\_\_\_\_

(b)  Date prior discipline effective \_\_\_\_\_

(c)  Rules of Professional Conduct/ State Bar Act violations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d)  degree of prior discipline \_\_\_\_\_

(e)  If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".

(2)  Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

(3)  Trust Violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

(4)  Harm: Respondent's misconduct harmed significantly a client, the public or the administration of justice.

- (5)  **Indifference:** Respondent demonstrated indifference toward recognition of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances are involved.**

Additional aggravating circumstances:

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

(12)  Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

(13)  No mitigating circumstances are involved.

Additional mitigating circumstances:

**D. Discipline:**

(1)  Private reproof (check applicable conditions, if any, below)

- (a)  Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b)  Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

(2)  Public reproof (check applicable conditions, if any, below)

**E. Conditions Attached to Reproval:**

- (1)  Respondent shall comply with the conditions attached to the reproval for a period of One (1) year.
- (2)  During the condition period attached to the reproval, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Respondent shall promptly report, and in no event in more than 10 days, to the Membership Records Office of the State Bar and to the Probation Unit, Office of the Chief Trial Counsel, Los Angeles, all changes of information including current office or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Respondent shall submit written quarterly reports to the Probation Unit of the Office of the Chief Trial Counsel on each January 10, April 10, July 10, and October 10 of the period of probation, except as set forth in the second paragraph of this condition. Under penalty of perjury each report shall state that Respondent has complied with all provisions of the State Bar Act and the Rules of Professional Conduct during the preceding calendar quarter or period described in the second paragraph of this condition.

If the first report would cover less than 30 days, then the first report shall be submitted on the next quarter date and cover the extended period. The final report is due no earlier than 20 days before the last day of the period of probation and no later than the last day of probation.

- (5)  Subject to applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the conditions attached to the reproval.
- (6)  Respondent shall be assigned a probation monitor. Respondent shall promptly review the terms and conditions of his/her probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent shall furnish such reports as may be requested by the probation monitor to the probation monitor in addition to quarterly reports required to be submitted to the Probation Unit of the Office of the Chief Trial Counsel. Respondent shall cooperate fully with the probation monitor to enable him/her to discharge his/her duties.
- (7)  Within one year of the effective date of the reproval herein, Respondent shall attend the State Bar Ethics School, and shall pass the test given at the end of such session.
- No Ethics School ordered.
- (8)  Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel within one year of the effective date of the reproval.
- No MPRE ordered.
- (9)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" type="checkbox"/> Financial Conditions  |
- (10)  Other conditions negotiated by the parties:  
See Financial Conditions, page 6.

In the Matter of DAVID T. EGLI

Case Number(s):

99-0-11763

A Member of the State Bar

### Financial Conditions

- a.  - Respondent shall pay restitution to Estate of Ethel Humprie (payee(s)) (or the Client Security Fund, if appropriate), in the amount(s) of 523.40, plus 10% interest per annum accruing from November 10, 1997, and provide proof thereof to the Probation Unit, Office of the Chief Trial Counsel.
- no later than 180 days from the effective date of the Hearing Department or Order in this matter.
- on the payment schedule set forth on the attachment under "Financial Conditions, Restitution."
- b.  1. If Respondent is in possession of clients' funds, or has come into possession thereof during the period covered by each report required, he/she shall file with each report required by these conditions a certificate from a Certified Public Accountant certifying:
- a. That Respondent has maintained a bank account in a bank authorized to do business in the State of California at a branch within the State of California and that such account is designated as a "trust account" or "clients' funds account" and
- b. That Respondent has kept and maintained the following:
- i. a written ledger for each client on whose behalf funds are held that sets forth:
1. the name of such client,
  2. the date, amount and source of all funds received on behalf of such client,
  3. the date, amount, payee and purpose of each disbursement made on behalf of such client, and
  4. the current balance for such client;
- ii. a written journal for each client trust account that sets forth:
1. the name of such account,
  2. the date, amount and client affected by each debit and credit, and
  3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
- c. That Respondent has maintained a written journal of securities or other properties held for clients that specifies:
- i. each item of security and property held;
  - ii. the person on whose behalf the security or property is held;
  - iii. the date of receipt of the security or property;
  - iv. the date of distribution of the security or property; and
  - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, he or she must so state under penalty of perjury in the report he or she files with the Probation Unit for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.
- c.  Within one year of the effective date of the discipline herein, Respondent shall attend the State Bar Ethics School Client Trust Account Record-Keeping Course, and shall pass the test given at the end of such session.

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:        DAVID T. EGLI

CASE NUMBER(S):        99-O-11763

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case Number 99-O-11763

Facts

On or about September 6, 1996, Respondent was employed by Robert N. Latz (hereinafter "Latz"), the executor of the estate of Ethel M. Humpries, to represent him regarding the probate of the estate.

On or about October 11, 1996, Respondent filed a Petition for Probate of Will and Letters of Testamentary, in the Los Angeles Superior Court, South Division, entitled, The Estate of Ethel Humpries, aka Ethel Marguerite, (hereinafter the "Humpries estate matter") Case No. NP005709, on behalf of Latz.

On or about October 3, 1997, Respondent filed the First And Final Account And Report Of Executor And Petition For Its Settlement, For Allowance Of Statutory Commissions And Attorneys Fees, And For Final Distribution, in the Los Angeles Superior Court, in the Humpries estate matter.

On or about November 10, 1997, the court granted the petition and awarded Respondent \$4,420.55, in legal fees in the Humpries estate matter.

On or about November 10, 1997, Latz issued a draft in the amount of \$4,420.55 to Respondent for legal services in the Humpries estate matter.

Shortly after Respondent was paid his legal fees in the Humpries estate matter, Latz attempted to contact Respondent to inquire when Respondent would file with the court an order approving a final account of petitioner and final distribution in the Humpries estate matter. Respondent did not respond.

In or about November 1998, Respondent sent correspondence to Latz, requesting that Latz distribute the remaining funds of the Humpries estate to the beneficiaries and to return a completed Affidavit of Final Discharge and Order.

On or about December 8, 1998, Latz mailed a completed Affidavit of Final Discharge to Respondent at his office address. The correspondence was not returned to Latz as undeliverable.

On or about January 25, 1999, Latz sent correspondence to Respondent concerning his December 8, 1998, correspondence. The letter was returned by the United States Postal Service as unclaimed. Latz attempted to contact Respondent by

telephone but was unsuccessful.

On or about September 2, 1999, Latz employed attorney Michael J. DeFranco, to assist in preparing an order approving first and final account of petition and final distribution in the Humpries estate matter. DeFranco's fee to the estate for legal services was \$523.40.

#### Legal Conclusions

By failing to prepare and file an Order Approving First and Final Account of Petition and Final Distribution, in the Humpries estate matter, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in violation of Rules of Professional Conduct, rule 3-110(A).

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was August 24, 2000.

#### **FINANCIAL CONDITIONS**

Respondent shall pay restitution to the Estate of Ethel Humpries, or the Client Security Fund, if appropriate, in the amount of \$523.40, plus 10% interest per annum accruing from September 2, 1999, and provide proof thereof to the Probation Unit, Office of Chief Trial Counsel, no later than 180 days from the effective date of the Hearing Department order.

8-30-2000  
Date

[Signature]  
Respondent's signature

DAVID T. EGLI  
print name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent's Counsel's signature

\_\_\_\_\_  
print name

9-5-2000  
Date

[Signature]  
Deputy Trial Counsel's signature

RICHARD A. PLATEL  
print name

**ORDER**

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) Otherwise the stipulation shall be effective 15 days after service of this order.

Failure to comply with any conditions attached to this reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

9/21/00  
Date

[Signature]  
Judge of the State Bar Court

**CERTIFICATE OF SERVICE**  
**[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]**

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on September 27, 2000, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION  
AND ORDER APPROVING, filed September 27, 2000**

in a sealed envelope for collection and mailing on that date as follows:

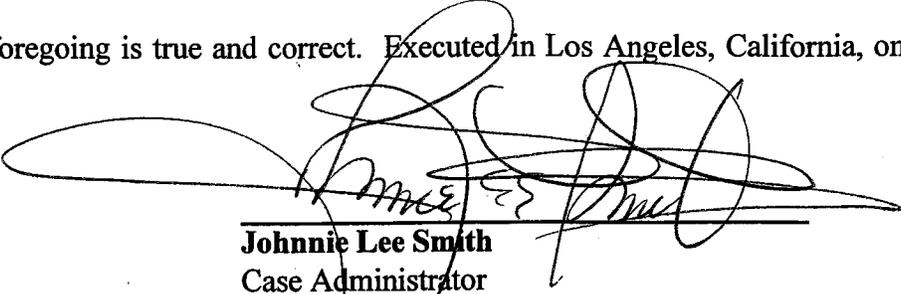
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**DAVID THOMSON EGLI  
ATTORNEY AT LAW  
929 S MEYLER ST  
SAN PEDRO, CA 90731**

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

**RICHARD PLATEL, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 27, 2000.

  
\_\_\_\_\_  
**Johnnie Lee Smith**  
Case Administrator  
State Bar Court



The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in the State Bar Court.

ATTEST November 9, 2017

State Bar Court, State Bar of California,  
Los Angeles

By \_\_\_\_\_  
Clerk

*Elizabeth Alley*

**CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 19, 2018, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND  
ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

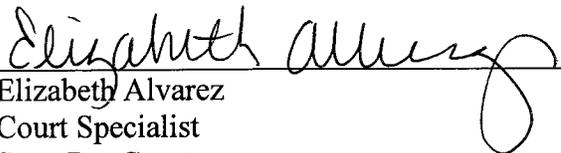
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DAVID THOMSON EGLI  
DAVID T EGLI, ATTORNEY AT LAW  
6560 VAN BUREN BLVD STE C  
RIVERSIDE, CA 92503 - 1542

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Desiree M. Fairly, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 19, 2018.

  
Elizabeth Alvarez  
Court Specialist  
State Bar Court